

Remarks

Claim 23 has been allowed. Claims 2, 6, 17, 24 and 25 have been objected to as being dependent on a rejected base claim. Claims 1, 3-5, 10-16 and 18-22 stand rejected under Section 102 as being anticipated by Teo (6663098).

Claim 1 -- Impeding Sheets Fed From The Stack. Claim 1 has been amended to recite that the movable pad in the first position "impedes a leading edge of sheets as the sheets are fed from the stack along the media path...." The compound kicker 203 in Teo is not designed to nor does it impede the leading edge of sheets as they are fed from the stack along the media path. Rather, kicker 203 is rotated out of the way so as not to impede the leading edge of a sheet as it is fed from the stack, as can be seen by comparing the position of kicker 203 in Teo Figs. 4A-4C. After a sheet is fed from the stack, kicker 203 rotates up to block the leading edge of any next-to-top sheets that may have been pulled in to the separator 105 and to move them back into the stack. Teo, column 5, lines 29-64.

Separator 105 in Teo is the only impediment to the leading edge of top sheet 111 as it is fed along the media path. Teo does not teach that kicker 203 impedes the leading edge of top sheet 111 or any next-to-top sheets as they are fed along the media path. On the contrary, Teo teaches moving kicker 203 out of the way so that it does not impede the leading edge of top sheet 111 or any next-to-top sheets dragged along with top sheet 111 as they are fed along the media path. Kicker 203 remains in the depressed/feeding position until after the pick roller has disengaged top sheet 111.

Claim 3 -- Substantially Vertical Supporting Surface. Claim 3 depends from Claim 1 and adds the further limitation that the sheet supporting surface comprises a substantially vertical surface. The Examiner is reminded that "[i]t is now well settled that the burden of establishing a *prima facie* case of anticipation resides with the Patent and Trademark Office." *In re Skinner*, 2 USPQ 2d 1788, 1788-89 (B.P.A.I. 1986); see also, *In re King*, 801 F.2d 1324 (Fed. Cir. 1986); *In re Wilder*, 429 F.2d 447 (C.C.P.A. 1970). To meet this burden, the Examiner must show that the reference teaches each and every element as set forth in the claim. MPEP § 2131.

The Examiner has not, as yet, made any showing or even presented any argument that Teo teaches the further limitation of Claim 3. It is axiomatic, therefore, that the Examiner has failed to carry his burden of establishing a *prima facie* case of anticipation as to Claim 3.

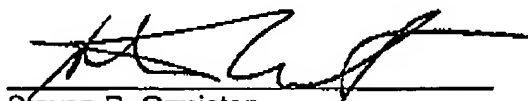
Teo teaches a supporting surface that is not substantially vertical. "Substantially vertical" is specially defined in paragraph 0010 of the Specification as within 5 degrees of true vertical. The supporting surface in Teo is 20 degrees off true vertical (as measured with a protractor laid on Fig. 4a). Hence, Teo does teach a substantially vertical supporting surface.

Claims 10-11, 16, 18-20 and 22 -- Sheet Separator. Claims 10, 16, 19 and 22 recite movable and stationary sheet separator pads. The Examiner is reminded that "[i]t is now well settled that the burden of establishing a *prima facie* case of anticipation resides with the Patent and Trademark Office." *In re Skinner*, 2 USPQ 2d 1788, 1788-89 (B.P.A.I. 1986); see also, *In re King*, 801 F.2d 1324 (Fed. Cir. 1986); *In re Wilder*, 429 F.2d 447 (C.C.P.A. 1970). To meet this burden, the Examiner must show that the reference teaches each and every element as set forth in the claim. MPEP § 2131.

The Examiner has not made any showing or even presented any argument that Teo teaches these limitations in Claims 10-11, 16, 18-20 and 22. It is axiomatic, therefore, that the Examiner has failed to carry his burden of establishing a *prima facie* case of anticipation as to Claims 10-11, 16, 18-20 and 22.

Claims 11, 18 and 20 recite a movable feature configured to separate a top sheet from a next-to-top sheet. Claim 21 recites a movable means for separating a top sheet from a next-to-top sheet. Separator 105 in Teo is stationary. Kicker 203 in Teo is not a sheet separator pad. Hence, Teo does not teach a movable separator pad.

Respectfully submitted,



Steven R. Ormiston
Attorney for Applicants
Registration No. 35,974
(208) 433-1991 x204